

FIRE Magazine Article

Governance reforms go off the boil.

Pete Murphy and Russ Glennon respond to the new national framework.

December 2017 finally saw proposals for operationalising key parts of the 2017 Crime and Policing Act that affect Fire and Rescue Services.

The act made a new national framework inevitable. The previous framework from 2012, lamentably unfit for purpose from day one, has effectively become obsolete. The Home Office have finally issued a consultation on a new Fire and Rescue Framework, and the rebranded HMICFRS issued more detailed proposals for the inspection framework and programme for 2018/19.

And yet, these two documents fail to impress. The surprising number of inconsistencies between them adds to the impression that their release owes more to a communication strategy or timetable for 'bad news' than a desire to create a new, more efficient and effective policy and delivery regime.

By the time you read this article, we hope to have published our detailed response to both consultations through the Fire Sector Federation. Our response to the framework is informed by our response to the HMICFRS consultation, although in view of the inconsistencies, differences in content, level of detail and even dissonant tone of the two documents, we intend to provide parallel responses to the two documents for members of the FSF to consider.

A reinterpretation of the current context

The new draft framework, like its predecessor, is a model of brevity. So far, so good. Unfortunately, the minister's foreword and the subsequent introduction raise immediate concerns. The consultation feels 'stage managed' through a series of omissions, implicit assumptions, and questionable interpretations. These primarily concern funding, inspection, core responsibilities and the workforce.

The first paragraph of the minister's foreword refers to the long-term significant decrease in the number of fires, and later suggests this may be partially due to successful fire protection and prevention.

Yet it fails to acknowledge that while the numbers of fires are reducing, the losses from fires are up over fourfold per incident, reflecting increasing complexity in modern construction and occupation. It ignores widespread evidence that, while funding for public services is being universally reduced, this has been disproportionately felt in preventative services, most notably the NHS, but increasingly evident across all services; cutting higher profile frontline services generates greater negative publicity.

There is, of course, no mention of the blistering reports from the National Audit Office¹ or the Public Accounts Committee² that savaged the DCLG for its poor sponsorship, leadership, financial control and infrastructural support for the fire service.

There is no explicit mention of the long-term reductions and, more importantly, the future planned reductions in financial support from the government.

The new Minister refers to evidence from Grenfell and Dame Judith's interim report saying we need a new intelligent system of regulation and enforcement that encourages everyone to do the right thing and holds those that cut corners to account. And yet this makes us ask: has the government actually read the evidence?

It is not only rogue builders at fault; successive governments have been steadily reducing investment in fire safety to the public and cutting corners with the regulatory regimes.

Instead of a clear commitment to comprehensive improvement, we have the bald and somewhat implausible statement that the proposals are unlikely to lead to additional costs for businesses, charities, the voluntary sector or the public sector.

To which the collective response from the sector has to be: of course...and pigs might fly!

'Core functions', Governance, Accountability and Inspections.

The new framework is commendably clear that the overarching statutory responsibility of every fire and rescue authority is to "assess all foreseeable fire and rescue related risks that affect their communities, whether they are local, cross-border, multi-authority and/or national in nature from fires to terrorist attacks" and that "fire and rescue authorities must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working or building new capacity".

HMICFRS is equally clear that its inspections will not cover anything like that range of responsibilities. According to their document, HMICFRS will provide service inspections of directly-provided fire and rescue services. They are not going to routinely or regularly provide inspections of the governing bodies – whether they be fire and rescue authorities, or police and fire commissioners.

These bodies are ultimately responsible for assessing the risks, determining strategic priorities, establishing the budget, and ultimately holding statutory responsibility for the safety of the public – but they are not going to be routinely inspected, and hence not publicly reported.

During an inspection of services, if HMICFRS finds evidence that 'inhibits' the efficiency and effectiveness of the chief fire officer, they 'may' carry out a separate corporate governance inspection.

There is no mention of cross-border, multi-authority or national inspections from HMICFRS – just that they intend to commence inspections in summer 2018 of the 45 fire and rescue services on the principal functions of a fire and rescue authority: i.e. fire safety; firefighting; road traffic accidents and other emergencies. We found no clarity or assurance on the inspection of services that have been outsourced to private or third sector providers or jointly provided with other FRS, blue-light services, or any other organisations.

HMICFRS accepts that the Home Office can commission thematic or cross cutting inspections but clearly states that "HMICFRS is not funded to carry out thematic Inspections".

There is no mention of making additional resources available for thematic inspections in the Home Office document, and the clear impression from HMICFRS is that to carry them out in the absence of such funding would compromise their fiduciary duty.

Thus, one thing that the Home Office and the HMICFRS appear to have in common is an extreme reluctance to inspect the economy, efficiency, and effectiveness of governance arrangements.

This ignores all historical evidence from tackling failing services and authorities, peer reviews and improvement regimes, performance assessments, government interventions and sector-led improvements.

Any effective regulation needs to assess and address the adequacy of the leadership and of governance arrangements. Beyond this, they must also consider the performance of the operational delivery and advice from professional officers, collaborative partnership arrangements and the

relationship between these three components. To inspect them partially or separately surely cannot optimise the efficiency or effectiveness of the Inspectorate, nor provide sufficient assurance to either the government or the public.

Governance remains a key potential weakness: there is no mention of examining the efficiency and effectiveness of the scrutiny functions of the Police, Fire and Crime Panels in either the framework or the HMICFRS consultation. But then neither is there any obligation to have fire and rescue expertise on the Police Fire and Crime Panel in the first place.

Then again, if “the FRA should give due regard to the professional advice of the CFO when making decisions affecting the operation of the FRS”, why is this not applicable to the Police Fire and Crime Commissioner?

Value for Money, evaluation and some new responsibilities.

There is of course no acknowledgement from either the Home Office or HMICFRS of the impact of long term reductions in central government financial support, or explicit mention of the planned reductions of central government grant, or the continuing cap on generating local revenue through taxation. There is however, the clear assertion that fire and rescue authorities must manage their budgets ensuring efficient and effective use of resources while pursuing all feasible opportunities to keep costs down.

There are, however, three particular generic issues that, *inter alia*, worry us about the government’s approach to assessing and achieving value for money.

Neither the Home Office document nor the new inspectorate appear to recognise that value for money can vary significantly, depending on whether you measure it in the short, medium, or long term or that different timescales may be appropriate to different services, activities, or projects.

Similarly, there are different tools and techniques for measuring value for money according to the objectives, inputs, outputs and outcomes of these services. Both documents appear predominantly to focus FRS attention onto short-term impacts or implications and the framework in particular appears to be predominantly concerned with short-term costs.

When asked by public service providers to assess value for money (VFM), most professionals would want to identify the most appropriate timescale and the most appropriate techniques to use in the prevailing circumstances to facilitate optimal decision-making. For example, in terms of evaluation, you might suggest one of the following basic evaluation tools:

- Cost-benefit analysis
- Financial return on investment assessment
- Multi-agency return on investments assessment
- Social return on investments assessments.

And yet there is little mention in either document of these when articulating their proposals for assessing VFM. Similarly, the definition of value for money is often inconsistent within and between the two documents.

The most common definitions of VFM used in the public sector over the last 30-plus years are the three Es: economy, efficiency and effectiveness. These are closely related but clearly distinct forms.

Not only are these three concepts used inconsistently throughout the framework, there is also no acknowledgement these definitions also struggle to fully acknowledge and enshrine a true reflection of public and collective costs and benefits of service delivery; this is particularly important in prevention and risk-based services such as fire and rescue, rather than more traditional, demand-led services.

This is particularly apposite when we consider the section on local and national resilience. Despite earlier assertions to the contrary, chapter seven of the framework *does* impose new responsibilities on local fire and rescue authorities and fire services.

Developing ‘marauding terrorist firearms attack’ (MTFA) capability is one such example and while the document states the government has ‘committed’ significant resources, it does not say whether these are additional resources; in fact, the government’s commitment will come from the existing resource envelope.

More specifically, paragraph 7.14 states that where they have MTFA capability, FRA must also put in place arrangements to “ensure their teams are fully available at all times” including periods when “business continuity arrangements are in place” – such as, for example, strikes? Yet another example that the document insinuates but doesn’t specifically mention.

Workforce

This naturally leads us to workforce issues. Here prominence is again given, in both the executive summary and in chapter six, to the ‘re-engagement of senior officers, post-retirement’. The draft national framework includes the wording issued after the earlier specific consultation and advises there will be no changes following this current consultation process. Any re-engagement of former senior officers will only be in exceptional circumstances and will be subject to a public vote, although there is no mention of any views being sought from either FRA or PFCC scrutiny bodies.

In fact, chapter six is mainly a series of reiterations. Each FRA (no mention of PFCC), should have a people strategy designed in ‘collaboration’ (not consultation) with the workforce, and taking account of the NFCC’s people strategy. Each FRA must comply with the fitness principles set out in an annex.

All FRAs must implement the standards approved by the professional standards body although a note advises that this part of the policy is under development, with an announcement to be made before the final framework is published. Here again, little practical scope for consultation exists.

Timescales

Chapter eight of the document concerns timescales and scope; this adds even further weight to the impression that the document has been rushed out. It advises that the framework will have an open-ended duration, as was the case with the 2012 Framework. All earlier frameworks ran for time-limited periods which resulted in timely reviews and improvements. All key stakeholders, parliament and the public could call the government to account. As a recent book³ clearly argues, those earlier (pre-2012) frameworks were thus much more successful in significantly improving the service and the safety of the public.

A welcome ‘biennial report to parliament’ will be made on the extent to which FRAs (again no mention of PFCC, mayors or London) are acting in accordance with the framework. However, this makes no mention of whether the framework itself is ‘fit for purpose’ or whether the government itself has been discharging its responsibilities adequately.

For those of us who contributed to the NAO report mentioned earlier this article¹, this has clear resonances and sets off alarm signals.

That investigation started off with a clear focus on the adequacy of the 45 Fire and Rescue Services' performance, before concluding that it was the inadequate sponsorship, leadership, financial control and infrastructural support for the service from DCLG that was the real issue.

In short, Fire and Rescue Authorities and Services were not provided with the tools and techniques, let alone the leadership and support that would allow them to do the job...oh, well, plus, ça change!

References

1. National Audit Office (2015) *Financial Sustainability of Fire and Rescue Services*.
2. Public Accounts Committee (2016) *Financial Sustainability of Fire and Rescue Services Inquiry*.
3. Murphy & Greenhalgh (2017) *Fire and Rescue Services: Leadership and Management Perspectives*

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